



Confederated Tribes and Bands
of the Yakama Indian Nation

Established by the
Treaty of June 9, 1855

0075449

December 1, 2000

Keith Klein, Manager
Richland Field Office
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

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EDMC

RE: Notice of Intent to Proceed with a Natural Resource Damage Assessment of 1100 Area

Dear Mr. Klein:

The Confederated Tribes and Bands of the Yakama Nation, a federally recognized Indian nation under the Treaty of June 9, 1855 (12 Stat. 951), is hereby giving notice to the U.S. Department of Energy of its intent to proceed with a Natural Resources Damage Assessment of specific sites within the Hanford Site's 1100 Area under authority of § 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In its role as trustee on the Hanford Natural Resources Trustee Council (HNRTC), the Yakama Nation (YN) has completed a Preassessment Screen (PAS) of the 1100 Area under 43 CFR § 11.23-11.25, and has determined that injuries to natural resources have potentially occurred at particular sites therein. Attached is a Preassessment Screen Determination (PAD) that documents YN's conclusion, as required by 43 CFR § 11.23(c). Also attached is corroborating correspondence from the U.S. Fish and Wildlife Service expressing its belief that natural resource injury has occurred in the 1100 Area.

In 1998, the Hanford NRTC initiated the 1100 Area PAS in a collaborative effort among the trustees, including the Yakama Nation. However, Jamie Zeisloft, USDOE-RL's representative on the Council, notified the other trustees at a February 10, 1999 NRTC meeting that the Department of Energy did not believe that injury had occurred and that a full NRD Assessment was not warranted. Mr. Zeisloft indicated that the DOE would close out its assessment process, discontinuing any further investigation, characterization or quantification of injury to natural resources in the 1100 Area. Since that meeting, Mr. Zeisloft has continued to insist that the Council has no grounds to pursue a full NRDA, and has indicated that the DOE will not take any further action in the matter (including monitoring).

Despite DOE-RL's position, the Yakama Nation believes that further examination of certain sites within the 1100 Area is necessary to assess the potential injury to natural resources. The most significant sites include the Horseshoe Landfill, where dichlorodiphenyltrichloroethane (DDT) contamination is of great concern, and Horn Rapids Landfill, where there is potential damage from trichloroethene (TCE) contamination in groundwater. A proper Natural Resources Damage

Assessment under CERCLA will allow YN as a trustee to ensure that the values of any resources injured at these sites are restored, as well as to provide a model for future assessments and restoration/mitigation plans at the Hanford Site.

The Yakama Nation intends to take every opportunity to work together with DOE-RL to devise prudent, effective and efficient measures to restore natural resource values at the Hanford Site. This includes assistance in finding alternative funding sources when necessary for implementation. YN understands that continued efforts at setting appropriate cleanup standards at Hanford will require both cooperation and imagination, and its work on the NRTC has provided an important vehicle for input into this process. We feel that the 1100 Area is an excellent place to start in providing an example for future cleanup, and we invite you to participate with us in fully evaluating the damage at the waste sites of concern.

If you have questions regarding this notice and would like to discuss this matter further, please call me at (509)865-5121 ext. 4655, or Tom Zeilman of the Office of Legal Counsel at (509) 865-7268.

Sincerely,



Carroll Palmer

Deputy Director

Yakama Nation Department of Natural Resources

Attachments: Preassessment Screen Determination
Letter, U.S. Fish and Wildlife Service

cc: YN Radioactive/Hazardous Waste Committee
Russell Jim, YN ER/WM
Tom Zeilman, YN Office of Legal Counsel
Pat Oshie, Oshie & Spurgin
Kevin Clarke, DOE-RL
Jamie Zeisloft, DOE-RL
Jim Nordahl, Siemens Power Corp., Inc.
Tom O'Brien, Hanford NRTC
Doug Sherwood, U.S. EPA
Tom Fitzsimmons, Washington State Dept. of Ecology
Mike Wilson, Washington State Dept. of Ecology
Ted Clausing, WDFW
Preston Sleeper, U. S. Dept. of the Interior
Joe Richards, CTUIR
Patrick Sobotta, Nez Perce Tribe
John Savage, Oregon Dept. of Energy
Todd Martin, Hanford Advisory Board